

REMARKS/ARGUMENTS

Claims 1-7 and 9-24 are pending.

The Examiner's statement that claims 4 and 12 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims, is gratefully acknowledged. New claims 25 and 26 are added herein, corresponding to claims 4 and 12 rewritten in independent form in accord with the Examiner's finding of allowable subject matter. New claims 25 and 26 find support in the specification and claims 1, 3, 4, 9, 11 and 12, as filed.

Independent claims 1, 9, 18, 19, 21, 22 and 24 are amended herein to better claim that which the Applicant considers to be his invention. Specifically, the claims are amended to indicate that the odorizing composition of the present invention is sulfur-free. Support for this amendment may be found, for example, in the specification as filed at:

(a) page 1, lines 24-20, which discloses the disadvantages of sulfur-containing gas odorants and the desirability of overcoming the use of sulfur-containing gas odorants, which produce harmful sulfur dioxide;

(b) page 3, lines 11-23, which distinguishes the novel gas odorizing compositions of the present invention from prior art compositions containing sulfur;

(c) pages 6 - 9, which disclose 15 examples of the novel gas odorizing compositions of the present invention, each of which comprises components sulfur-free component A and B as defined in the instant claims.

The Examiner's attention is respectfully drawn to Amendment C, in which the Applicant addresses the possibility that the present amendments may be construed by the Examiner to represent negative limitations.

Care has been taken to ensure that no new matter has been added, and entry of the amendments and consideration of the remarks herein are respectfully requested.

Claim Rejections under 35 U.S.C. § 102(b)

Claims 1, 5-7, 9 and 13-24 are rejected as being allegedly anticipated by Yoshida et al. (U.S. Patent No. 4,487,613).

Applicants respectfully traverse the rejection on the grounds that Yoshida et al. does not teach or suggest any gas odorization composition that is sulfur-free.

Regarding claims 1 and 18-19, the Examiner cites columns 5 and 6, and formulas, as allegedly teaching a method of gas odorization using a combination of 2-methoxy-3-isobutyl pyrazine and methyl acrylate as a gas odorant.

Applicant's respectfully note that 2-methoxy-3-isobutyl pyrazine and methyl acrylate are taught, not as odorants in their own right, but exclusively as agents for increasing the odor intensity of mercaptans in gas odorants (see col. 3, lines 64-68, and col. 4, line 67). Thus, at col. 3, line 64, to col. 5, line 4, the compositions of agents for boosting the effectiveness of mercaptan odorants is discussed. However, these mixtures are only discussed as additives to a base odorant, which is a mercaptan (e.g. col. 4, lines 36-40), and not as odorants in their own right. Further, all of the Examples of Yoshida et al. comprise large amounts of mercaptan in the form of either ethyl mercaptan or t-butyl mercaptan.

Similarly, with respect to claims 8, 21-22 and 24, Yoshida et al. fails to teach or suggest a sulfur-free gas odorization composition because 2-methoxy-3-isobutyl pyrazine and methyl acrylate are taught, not as odorants in their own right, but exclusively as agents for increasing the odor intensity of mercaptans in gas odorants.

With respect to claims 5 and 13, the Examiner cites the addition of 2-methyl-3-isobutyl pyrazine (col. 6, lines 56-61). However, as the cited section makes clear, 2-methyl-3-isobutyl pyrazine is taught for its odor boosting effect in the context of the presence of a base mercaptan. Although 4-methyl-4-mercapto-2-pentanone is also taught in this section for its odor boosting effect, there is no teaching or suggestion that 2-methyl-3-isobutyl pyrazine be used as a gas odorants in the absence of a base mercaptan.

For similar reasons, Applicant asserts that claims 6-7 and 14-17 are not anticipated by Yoshida et al. because sulfur-free gas odorant compositions are not taught or suggested by Yoshida et al.

With respect to claims 20 and 23, the last line of the cited abstract states that 2-methoxy-3-isobutyl pyrazine is taught as a warning agent for gas odorization only "with a monomercaptan or a sulfide."

Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) are respectfully requested.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 2-3 and 10-11 are rejected as being allegedly unpatentable for obviousness over Yoshida et al. (supra).

Applicants respectfully traverse the rejection on the grounds that a *prima facie* case of obviousness has not been

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AMENDMENT D

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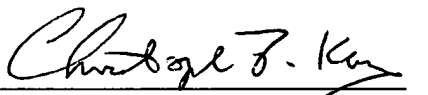
established because Yoshida et al. fails to teach or suggest gas odorants that are sulfur-free, and therefore fails to teach all of the elements of the rejected claims as required.

Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

Favorable consideration and early issuance of the Notice of Allowance is respectfully requested. Should any points remain prior to issuance of a Notice of Allowance that the Examiner considers may be addressed by telephone, the Examiner is requested to telephone the undersigned at number listed below.

Respectfully submitted,

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Date: **August 30, 2004**

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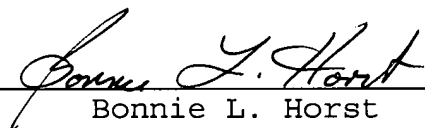
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CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing AMENDMENT D for U.S. Application No. 09/762,847 filed March 12, 2001, was deposited in first class U.S. mail, postage prepaid, addressed: Mail Stop: Amendment; Commissioner for Patents; P.O. Box 1450; Alexandria, VA, 22313-1450, on **August 30, 2004**.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application, except for the issue fee, without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.



Bonnie L. Horst